

Application No: 2007/447	Application Type: Variation of condition
Proposal: Variation of condition no.3 on planning permission 2007/016	Location: Land off Oaklands Drive and Lower Cribden Avenue, Rawtenstall
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 21 st August 2007
Applicant: Hurstwood Developments	Determination Expiry Date: 28 th August 2007
Agent: N/A	

REASON FOR REPORTING

Outside Officer Scheme of Delegation

No

Member Call-In

Yes

Name of Member:

Councillor Forshaw

Reason for Call-In:

If as a Council we are serious about affordable housing, and materials would affect the price of the homes, then a mix of natural stone and artificial stone would be acceptable in this area.

More than 3 objections received

No

Other (please state)

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1. THE SITE

- 1.1 The site lies to the north and east of Oaklands Drive and to the east and south-east of Lower Cribden Avenue. The site is steeply sloping and is enclosed to the south and west by dense residential development. To the east stands Mickledore, a large detached dwelling house with substantial grounds and to the north stands Mickledore Barn and the start of the Green Belt. Parts of the site have been used as a builders yard for several years.
- 1.2 Oaklands Drive and Parkwood Drive are a mixture of dwelling houses constructed in brick and concrete tile. Lower Cribden Avenue is constructed in artificial stone and grey concrete tiles. To the north of the site lies open countryside designated as Green Belt whilst to the north east and north west of the site stand individual dwellings constructed in natural stone and natural slate.
- 1.3 The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

1.2 Relevant Planning History

1986-171 – Outline – Erection of 5 houses – approved
1986-315 – Outline – Erection of 27 dwellings – approved.
1987-514 – Reserved matters (one plot) – approved.
1987-226 – Reserved matters (one plot) – approved.
1988-468 – Erection of a detached house – plot 15 Lower Cribden Avenue – approved.
1991/685 – Outline – Erection of 16 no dwellings – withdrawn.
1992/149 – Erection of 15 no dwellings – approved.
1997/155 – Erection of 31 dwellings – refused following reconsideration in July 2006 by Development Control Committee.
2006/485 – Erection of 31 dwellings – refused.
2007/016 – Erection of 49 dwellings – approved.
2007/237 – Variation of condition 3 on planning permission 2007/016 – This application was refused on the basis that the use of artificial stone and slate would be out of keeping with the character and appearance of the surrounding area. An appeal against this refusal has been lodged.

2. THE PROPOSAL

- 2.1 This application seeks consent for the variation of condition 3 on planning permission 2007/016. Condition 3 states that:

‘Notwithstanding any details shown on the previously submitted drawings and specifications, the development hereby approved shall not commence until full details of the natural stone and natural slate to be used in the construction of the external facings and surfaces to the proposed development have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved external facing and surfacing materials.'

2.1 Permission is sought to vary condition 3 of application 2007/016 to read:

'The development hereby approved shall not commence until representative samples of the artificial stone and artificial slate to be used in the construction of the walls and roofs of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with approved materials. '

A Bradstone, buff coloured artificial squared coursed rubble sample and a Russell, Anthracite coloured artificial slate sample have been submitted with the application, the agent has stated that if these materials are considered acceptable they would not necessarily request that the condition be varied to specify the use of such materials but an informative in terms of the acceptability of such materials would be helpful.

3. DEVELOPMENT PLAN POLICIES

PPS1 - Delivering Sustainable Development (February 2006)

PPS3 – Housing (November 2006)

DETR - By Design: Urban Design in the Planning System: Towards Better Practice (2000)

Regional Spatial Strategy for the North-West

Joint Lancashire Structure Plan

Policy 1 – General Policy

Rosendale Local District Plan

Policy DS.1 – Urban Boundary

Policy DC.1 – Development Criteria

Policy DC.4 - Materials

4. CONSULTATIONS

4.1 Internal Consultations
No consultations conducted.

4.2 External Consultations
No consultations conducted.

5. REPRESENTATIONS

5.1 No letters of objection received.

5. ASSESSMENT

- 5.1 The key issue to be considered in the determination of this application is the impact of varying condition 3 of application 2007/016 on the visual amenity and character of the surrounding area.
- 5.2 Paragraph 38 of PPS1 states that 'Design policies should avoid unnecessary prescription or detail...[neither should they]...stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies'.
- 5.3 Paragraph 16 of PPS3 states that 'Matters to consider when assessing design quality include the extent to which the proposed development:...Is well integrated with, and complements, the neighbouring buildings and local area more generally...[and]...Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity'.
- 5.4 By Design states that the richness of a building lies within its use of materials which contribute to the attractiveness of its appearance and the character of an area.
- 5.5 Policy 1 of the Joint Structure Plan considers that development should contribute to achieving a high quality built environment.
- 5.6 Policy DC.4 of the Rossendale District Local Plan relates to materials and considers that local natural stone (or an alternative acceptable natural substitute) will normally be required for all new development in selected areas. Selected areas referred to in this policy are inter alia along all principal highways/valley corridors, in areas where the use of natural local stone in existing buildings predominates, and the site is visible from public vantage points and elsewhere in areas where the use of natural stone in existing buildings predominates and forms a substantial part of the character of the build environment of the locality.
- 5.7 The applicants Planning Appeal Statement against application 2007/237 has been submitted in support of the application. This states that the site is surrounded by a mixture of designs and materials, that there are a handful of dwellings at the end of Lower Cribden Avenue constructed in artificial stone and that policy DC.4 does not require development in the location to be constructed in natural stone and natural slate. The statement lists a number of developments which have been constructed which the Council gave consent to be constructed in artificial stone.
- 5.8 An email from the ex-Chief Planner (Rossendale Borough Council), John Cowpe has been submitted in support of the application. This states that the original draft of the policy did not include the works acceptable substitutes, it simply required the real thing. The words about alternatives came in later

following consultation with representatives from the industry that artificial stone materials should not be discounted. Since the policy was adopted, the variety and quality of the artificial/reconstituted alternative has improved very significantly to the extent that the two are almost indistinguishable visually save for the closest of inspections.

- 5.9 From the examples of developments which have been constructed in artificial stone used to justify the applicants case, a number of them serve to demonstrate why softer, more robust and aesthetically pleasing natural materials should be used.
- 5.10 It is noticeable that the dwellings on Oaklands Drive and Parkwood Drive were granted consent prior to the adoption of the Rossendale District Local Plan and it is likely that the Local Plan policy was adopted in reaction to such development as exhibited along these roads. Nevertheless, adjacent to the northern end of the site, there are a number of individual dwellings constructed in natural stone and natural slate to which the applicant does not refer.
- 5.11 Since the adoption of policy DC4, PPS1 and PPS3 have both been issued which respectively “seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies” and that when “assessing design quality” it is important to consider the extent to which “the proposed development:...Is well integrated with, and complements, the neighbouring buildings and local area more generally...[and]...Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity”. Thus it is clear that since policy DC4 was adopted in 1995, planning policy has been strengthened to promote local distinctiveness and integration with the surrounding area. It is therefore to be lamented that other developments which the applicants may refer to have not had this policy as rigorously applied. It is recognised that there may be a tension within the development as to which of the surrounding idioms to integrate with; it is considered, however, that the need to promote high quality design and to promote local distinctiveness, that natural stone and natural slate should be used in the construction of the dwellings approved under application 2007/016.
- 5.12 Notwithstanding the consistency with which policy DC4 has been applied in the past, the policy itself requires the use of natural stone and natural slate “Along all principal highways/valley corridors, in areas where the use of natural stone in existing buildings predominates, and the site is visible from public vantage points...Elsewhere in areas where the use of natural stone in existing buildings predominates and forms a substantial part of the character of the built environment of the locality...In the Countryside.” The site is on a hillside that itself forms a visual part of a valley corridor which can be seen from public vantage points within the Borough, particularly on entering Rawtenstall, which increases the sensitivity and prominence of the site. The site is also considered to be in an area where the use of natural stone in existing buildings predominates, certainly at the northern end of the site.
- 5.13 It is considered that the use of artificial stone would not contribute adequately or appropriately to the local distinctiveness of the Borough and should therefore

be resisted. Indeed, Councillors were very clear that the materials should be natural stone and natural slate at the Development Control Committee on 10th April 2007.

- 5.14 The applicant suggests that it would not be possible to distinguish between artificial stone and natural stone from the M66, but the site can be viewed at close quarters as well as from the wider public realm and the difference would be distinguishable. The applicant also highlights section 38 (6) of the 2004 act requiring that applications be determined in accordance with the Development Plan unless other material considerations dictate otherwise. The proposal is contrary to policy DC.4 and PPS1 and PPS3 are material planning considerations.

6. CONCLUSION

- 6.1 It is considered that the applicant has not substantiated a case with sufficient weight to outweigh the decision of the Development Control Committee at 10th April 2007 to impose Condition 3 of application 2007/016. The proposal is therefore considered to be unacceptable and therefore recommended for refusal.

7. RECOMMENDATION(S)

- 7.1 The use of artificial stone and artificial slate would not be in keeping with the character and appearance of the surrounding area and would fail to contribute to the local distinctiveness of the Borough and is therefore unacceptable, it is accordingly recommended that the application be refused.

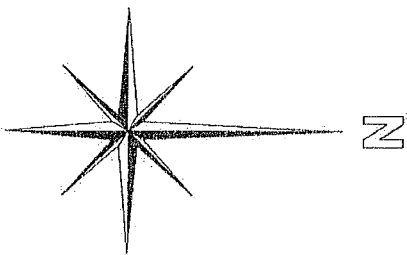
8. REASON FOR REFUSAL

1. The proposed variation of Condition 3 of approval 2007/016 for the use of artificial stone and artificial slate would be out of keeping with the character and appearance of the surrounding area and locality and would fail to reinforce the local distinctiveness of the Borough. As such the proposal conflicts with PPS1 – Delivering Sustainable Development, PPS3 – Housing, Policy 1 of the Joint Lancashire Structure Plan and Policy DC.4 – Materials of the Rossendale District Plan.

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